IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 4850 of 2005

Between:

Cheerla Laxmaiah, S/o. Mallaiah,
R/o. Mandamarri, Adilabad District.

..... PETITIONER

AND

1 The Singareni Colliery Manager, KK-2 Incline, Mandamarri,

Adilabad District.
2 The General Manager, Singareni Collieries Company Limited,
Mandamarri Division, Adilabad district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction to particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in fixing the age of the petitioner as 30-5-1945 and also in rectifying the age of the petitioner with reference to his elder brother's age as 30-5-1952 is highly arbitrary, bad and illegal and consequently rectify the age of the petitioner as 30-5-1952 instead of 30-5-1945.

Counsel for the Petitioner:MR.P.PRABHAKAR REDDY

Counsel for the Respondent Nos.1 &2 : MR.NANDIGAM

KRISHANA RAO (SC FOR SINGARENI COMPANY)

The Court at the admission stage made the following :

ORDER:

The petitioner claims that he is younger than the age mentioned by the respondents in its records. Therefore, he made an application before the respondents to correct his date of birth. The grievance of the petitioner is that since the respondents have not passed any order on his application for correction of the date of birth, he approached this Court seeking a direction to the respondents to correct his date of birth.

The correctness of the date of birth of the petitioner is purely a question of fact, and the same has to be established before the Civil Court by adducing oral and documentary evidence. This is not a fit matter to be considered under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. No costs.

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26-04-2005

sj

To

1 The Singareni Colliery Manager, KK-2 Incline, Mandamarri,

Adilabad District.

2 The General Manager, Singareni Collieries Company Limited,
Mandamarri Division, Adilabad district.

3 Two C.D. copies.